

Desk Instruction 2.9

“Environmental Compliance Analysis”

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Revision 0

Approved by: _____

Date: _____

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1.0 Introduction

ORP environmental regulatory compliance review and analysis is primarily implemented by the ESQ Environmental Division. Environmental compliance reviews are needed to evaluate the applicability of regulations to operations and activities at ORP and when guidance, policy, recommendations, opinions, or agency position are needed. Compliance analysis is often also needed when dealing with the regulators on issues of interpretation of environmental regulations.

The objective of obtaining analysis of regulatory compliance issues is to ensure that ORP is in full compliance with all environmental regulatory requirements and that these requirements are being implemented in a cost effective manner with no or minimal impact to schedule. Effective environmental oversight requires that ORP perform oversight of activities of deliverables of both DOE employees and contractors to verify that work is being performed in accordance with applicable laws, regulations, policies, orders, and other requirements.

2.0 Expectations

Performance of regulatory compliance analysis will be documented, consistent, and focused on early identification of potential compliance issues as well as continuous improvement of ongoing processes.

3.0 Application

This procedure applies to ORP employees receiving environmental enforcement or compliance documents or direction issued by regulatory agencies. This procedure also applies to ORP employees who are providing regulatory interpretation on compliance issues.

4.0 Procedure and Process

This desk instruction is used to help evaluate the applicability of regulations to operations and activities at ORP and to help determine when guidance, policy, recommendations, opinions, or agency position are needed.

Step #	Description	Performer	Support
Step 1	Inform the appropriate Environmental Compliance Subject Matter Expert (SME) of any situation calling for environmental regulatory	ORP staff identifying situation	Mission Elements (Line Organization)

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	guidance, policy, opinion, recommended action, or agency position.		
Step 2	Review the information regarding the issue or situation. Determine affected RPP Mission Elements, contractors, or interested parties (Environmental Compliance Subject Matter Expert, Legal Counsel, etc.) to be contacted for review and consultation, assessment of possible impacts, and identification of needs based on the scope of the situation.	Environmental Compliance SME	Mission Elements
Step 3	Evaluate and assess situation for possible impacts and identification of needs and/or guidance, etc. Provide any input to Environmental Compliance SME.	Affected ORP staff	N/A
Step 4	Compile and review comments and suggestions. Develop initial draft guidance, etc. statement and action memoranda for signature (as appropriate).	Environmental Compliance SME	Mission Elements and Legal Counsel
Step 5	Coordinate review of draft guidance and related paperwork with affected RPP Mission Elements, contractors, other Environmental Compliance SME, Legal Counsel, or others as needed.	Environmental Compliance SME	Mission Elements and Legal Counsel
Step 6	Develop final guidance, etc. statement.	Environmental Compliance SME	Mission Elements and Legal Counsel
Step 7	Transmit final guidance and related paperwork to ORP, Headquarters, and RL, as appropriate.	Environmental Compliance SME	Mission Elements

Step 8	Transmit additional comments and/or necessary formal direction to contractor(s).	Environmental Compliance SME	Mission Elements
Step 9	Evaluate activities and provide information, if any, to Lessons Learned coordinator to aid in performance improvement (see the Lessons Learned Desk Instruction)	Environmental Compliance SME	Mission Elements

5.0 Suggested Guidelines

The need for regulatory guidance, policy, opinions, recommendations, or agency positions will vary depending upon the scope, purpose, and extent of the situation identified, and the potential for impacts to existing operations, programs, and budgets. In addition, the early review of any guidance developed by a regulatory agency allows the regulated community to plan ahead and anticipate new requirements, and identify and resolve issues and possible conflicts in a timely manner.

Exhibit I – Process Flow Diagram

